

REMARKS

Claims 13-30 are now pending in the application and stand rejected. No claims are amended. Claims 13-30 remain pending.

PREVIOUS REJECTIONS ARE REMOVED

Applicants thank the Examiner for removing the §§ 102 and 103 rejections based upon the Krueger, Ohya, Korpman, and Katsuki references. The new rejection made in view of Pedginski et al (U.S. Pat. No. 5,882,753) is discussed below.

REJECTION UNDER 35 U.S.C. § 102

Claims 13-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Pedginski reference (U.S. Pat. No. 5,882,753). Applicants respectfully traverse the rejection and request reconsideration.

Rejection for anticipation is proper only when each and every claim limitation is found in a single reference. If the reference fails to disclose any element recited in the claims, the reference does not anticipate.

Contrary to the position taken in the office action, the Pedginski reference does not recite an “expendable polymeric layer comprising a polyolefin material” as layer A in a two-layer co-extruded A-B composite sheet. As stated in § 8, the Examiner is equating the “release coating” of the Pedginski reference with the “expendable polymeric layer A” of the claims. A close reading of the Pedginski reference reveals that the release coating of the reference does not encompass the “polyolefin material” recited in the claims.

The release coating of the reference is a fluoropolymer, not a polyolefin material. To illustrate, the Pedginski reference at column 3 states:

“The fluoropolymer release coating in all embodiments of the present invention comprises a graft copolymer of (a) a base polymer containing polymerized units derived from monomers that contain terminal olefinic double bonds and (b) a moiety comprising a fluoroaliphatic group.” Column 3, lines 17 to 22, emphasis added.

Pedginski says that all embodiments of the release coatings are fluoropolymers. The disclosure of the reference is thus limited to release coatings made of the described fluoropolymer graft copolymer. Further description of the release coating is provided at column 6:

“The fluoropolymer material useful as the release coating in the present invention is an extrudable material that comprises a graft copolymer of a base polymer and a moiety comprising a fluoroaliphatic group.” Lines 16-19.

The reference thus describes the release coating (equivalent to expendable polymeric A) as a graft copolymer that contains a “moiety comprising a fluoroaliphatic group.” The claims, on the other hand, recite that the expendable polymeric layer A comprises a “polyolefin material.” Dependent claims recite that the polyolefin material is selected from polyethylenes and polypropylenes.

The definition of a polyolefin material in the current specification excludes graft copolymers of a base polymer and a fluoroaliphatic monomer as described within the Pedginski reference for the release coating. Attention is respectfully drawn to paragraph [0033] of the specification on page 7, where the polyolefin material is described:

“In a preferred embodiment, the polymer expendable layer is made up of a polyolefin material. Polyolefins are polymers of monomers made up mostly or entirely of carbon and hydrogen, and preferably containing aliphatic repeating units for the most part. Examples of polyolefins includes polyethylene and polypropylene.”

Applicants respectfully submit that the above definition of polyolefin material, used in the current claims, excludes the graft copolymer of the Pedginski reference. In particular, the graft co-polymer of the Pedginski reference is not a polymer of “monomers made up mostly or entirely of carbon and hydrogen,” since the release coating of the reference is a graft copolymer with a moiety comprising a fluoroaliphatic group.

Because the reference fails to disclose at least one limitation of the claims, rejection under § 102 is improper. Accordingly, Applicants respectfully request the rejection be withdrawn.

It would not be obvious to modify the Pedginski reference to arrive at the polyolefin material recited in the claims. The reference is drawn to release coated films and adhesive tapes comprising the release coating films. The films may be coextruded and may subsequently be oriented in at least one direction. The fluoropolymer release coating of the reference is provided to enable such orientation. The polyolefins of the claims would not serve the same function. For at least this reason, the person skilled in the art reading the Pedginski reference would not be motivated to provide a polymeric layer as recited in the claims.

Claims 22, 23, 25-27, 29 and 30 are rejected as anticipated or in the alternative as obvious over the Katsuki reference (U.S. Pat. No. 4,427,743). For the reasons discussed in earlier prosecution, Applicants submit that the Katsuki disclosure of a seven layer composite does not anticipate the subject matter of the rejected claims. For this reason, Applicants respectfully traverse the rejections and request reconsideration.

The seven layer laminate structure of the reference does not contain every limitation of the rejected claims. Independent claim 22 is reproduced here for convenience:

22. A three layer co-extruded A-B-A composite sheet, wherein A is an expendable polymeric layer and B is a thermoplastic adhesive layer.

Applicants respectfully submit the reference fails to disclose a three layer sheet, and that the 7 layer composite disclosed there is not co-extruded. Because these claimed features are missing from the reference, there is no anticipation. Further, because the structures are so different, no motivation can be found to modify the reference except in Applicants' own specification. Applicants respectfully request the rejection be withdrawn.

The claimed three layer co-extruded sheet has only three layers, as indicated by the plain language of the claim and in, for example, Figure 2 of Applicants' specification. It strains logic to assert the 7-layer structure shown in the reference anticipates it. Even if the 7 layers are parsed into three as suggested by the Examiner (i.e. taking 1A'/2A'/3A' together as only one layer and 1B'/2B'/3B' together as another so that layer 4 is a third layer), there is no disclosure that the three layers are co-extruded. Surely the application of the Katsuki reference against these claims is based on nothing more hindsight, using the current specification as a road map.

For these reasons, Applicants respectfully request the rejection in view of the Katsuki reference be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 18-20 and claims 21 are rejected as obvious over the Pedginski reference. The deficiencies of the Pedginski reference with respect to the independent claim 13 is described above. The reference does not disclose a co-extruded expendable layer made of a polyolefin material. Applicants respectfully submit there is no motivation to modify the Pedginski reference to arrive at the subject matter of the rejected claims. For these reasons, Applicants respectfully request the rejections be withdrawn.

Claims 24 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Katsuki reference as applied to claim 22, and further in view of the Friedman reference (U.S. Pat. No. 6,159,608). The deficiencies of the Katsuki reference with respect to claim 22 are described above. The Friedman reference does not make up for those deficiencies. Accordingly, Applicants respectfully request the rejection be withdrawn.

CONCLUSION

For the reasons discussed above, Applicants respectfully submit that claims 13-30 as presented are in an allowable state. Further and favorable consideration is earnestly solicited. The Examiner is invited to telephone the undersigned if that would be helpful to resolving any issues.

Respectfully submitted,

Dated: November 30, 2007

By: /Mark A. Frentrup/
Mark A. Frentrup
Reg. No. 41,026

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MAF/cg